



**BEFORE THE STATE COMMISSION
ON JUDICIAL CONDUCT**

CJC Nos. 14-0199-JP & 14-0356-JP

**PUBLIC REPRIMAND
AND
ORDER OF ADDITIONAL EDUCATION**

**HONORABLE KRISTOPHER L. TERRAZAS
JUSTICE OF THE PEACE, PRECINCT 1, PLACE 1
PECOS, REEVES COUNTY, TEXAS**

During its meeting on August 13-15, 2014, the State Commission on Judicial Conduct concluded a review of allegations against the Honorable Kristopher L. Terrazas, Justice of the Peace for Precinct 1, Place 1, Pecos, Reeves County, Texas. Judge Terrazas was advised by letter of the Commission's concerns, but failed to timely provide written responses. Thereafter, Judge Terrazas was subpoenaed to appear before the Commission. Judge Terrazas appeared before the Commission on August 15, 2014, and gave testimony. After considering the evidence before it, the Commission entered the following Findings and Conclusion:

FINDINGS OF FACT

1. At all times relevant hereto, the Honorable Kristopher L. Terrazas was Justice of the Peace for Precinct 1, Place 1, Pecos, Reeves County, Texas.
2. Judge Terrazas was a candidate for re-election in the March 2014 Primary, but lost. His last day in office is December 31, 2014.

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3. On or about October 31, 2013, the Texas Justice Court Training Center ("TJCTC") reported that Judge Terrazas failed to obtain his required twenty (20) hours of judicial education for Fiscal Year 2013 (September 1, 2012 through August 31, 2013).
4. Judge Terrazas was not granted a waiver of this requirement.
5. According to a sworn affidavit from the TJCTC, within one year from the date he was elected to the bench, Judge Terrazas was required to obtain eighty (80) hours of judicial

education pursuant to Rule 3(a)(1) of the Texas Rules of Judicial Education and Section 27.005(a)(1) of the Texas Government Code.

6. In December 2011, Judge Terrazas registered to attend Stage I of the required training, a 20-hour course offered by the TJCTC for new justices of the peace.
7. On the first day of the seminar, Judge Terrazas arrived approximately four hours late, and provided no valid medical or personal reason for his late arrival.
8. Per TJCTC policy, Judge Terrazas was not allowed to attend the remainder of the seminar and was asked to leave.
9. In April 2012, Judge Terrazas registered to attend Stage III of the training, another TJCTC 20-hour course for new justices of the peace.
10. Again, on the first day of the seminar, Judge Terrazas arrived approximately two hours late, and because he had no valid medical or personal reason for the late arrival, he was asked to leave the seminar.
11. In September 2012, TJCTC staff advised Judge Terrazas by e-mail that although he would not be able to complete the required training for new justices of the peace during his first year on the bench as required by law, the judge could demonstrate a “good faith effort” to come into compliance by making up Stages I and III of the training during his second year on the bench.
12. In addition to the education hours he missed in the first year of his term in office, Judge Terrazas was also required to complete an additional 20-hour judicial training course to satisfy the continuing educational requirements for Fiscal Year 2013.
13. Judge Terrazas eventually completed Stage I in December 2012 and Stage III in June 2013; however, he failed to obtain the additional 20-hours of judicial education to satisfy the Fiscal Year 2013 compliance year.
14. In response to the TJCTC report that Judge Terrazas had not complied with the continuing judicial education requirements for Fiscal Year 2013, the Commission asked Judge Terrazas to respond to the allegations on February 28, 2014, April 29, 2014 and May 13, 2014.
15. Judge Terrazas failed or refused to respond to the Commission’s requests for information.
16. During his testimony before the Commission, Judge Terrazas acknowledged that he was aware of his duty to obtain judicial education each year.
17. Judge Terrazas testified that he had repeatedly failed to comply with his judicial education requirements, and that his failure to comply with the law or maintain professional competence in the law was persistent.
18. Judge Terrazas testified that in addition to serving as a justice of the peace, he also served as a trustee on the Pecos Barstow Toyah Independent School District, and served as the interim executive director for Frontier Child Appointed Special Advocates (“CASA”). Judge Terrazas is also the owner and operator of Terrazas Restaurant.
19. Judge Terrazas testified that he fell behind on his continuing judicial education requirements because he was busy and had taken on too many responsibilities.

20. Judge Terrazas advised the Commission that he had recently completed a required 10-hour Civil Law course prior to his appearance before them, but that he was not yet in compliance with the judicial education requirements for Fiscal Year 2014, which ends on August 31, 2014.

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21. On January 19, 2012, at approximately 2:55 a.m., Judge Terrazas was arrested by a City of Pecos police officer for Public Intoxication, a Class C misdemeanor.
22. While being transported to the Pecos Municipal Criminal Justice Center, Judge Terrazas asked the officer if he could “just sign himself out.” The officer reported that when he responded, “No,” Judge Terrazas said, “[I] am the judge.”
23. Following his successful completion of a pre-trial diversion program, the Reeves County Attorney’s Office dismissed the Public Intoxication charge against Judge Terrazas.
24. The Commission sent Judge Terrazas a written inquiry asking that he respond to the allegations concerning the January 19, 2012 arrest, but the judge failed or refused to respond.
25. During his appearance before the Commission, Judge Terrazas acknowledged that had been arrested and charged with Public Intoxication as alleged, but that his statement to the police officer suggesting that he was trying to use his judicial position to gain favorable treatment had been made in jest.
26. On November 21, 2013, at approximately 1:02 a.m., Judge Terrazas was arrested by a City of Pecos police officer for Driving While Intoxicated.
27. At the scene of the traffic stop, Judge Terrazas agreed to submit to a standard field sobriety test and a breath sample test.
28. Judge Terrazas failed the standard field sobriety test.
29. The results of the breath test were 0.147 and 0.144, almost twice the legal limit for intoxication.
30. On May 21, 2014, through a plea agreement with the special prosecutor assigned to the case, Judge Terrazas entered a guilty plea to the offense of Deadly Conduct, a Class A misdemeanor. He was placed on probation for six months, ordered to perform 100 hours of community service, and assessed a fine of \$500, plus court costs of \$375.
31. The Commission sent Judge Terrazas a written inquiry asking that he respond to the allegations concerning his November 21, 2013 arrest, but the judge failed or refused to respond.
32. During his appearance before the Commission, Judge Terrazas acknowledged that he had been arrested on November 21, 2013 for the offense of Driving While Intoxicated, entered a guilty plea on May 21, 2014 to a charge of Deadly Conduct, and was consequently placed on probation.
33. Judge Terrazas testified that he was on probation as of the date of his appearance before the Commission.

34. Judge Terrazas testified that he did not intentionally fail to cooperate with the Commission's investigation. Instead, because he was so busy performing his judicial duties, running his restaurant, and serving on CASA and the local school board, he simply forgot to provide a written response to the Commission's Letter of Inquiry.

RELEVANT STANDARDS

1. Article V, Section 1-a(6)A of the Texas Constitution provides that any Texas judge may be disciplined for willful violation of the Code of Judicial Conduct, incompetence in performing the duties of office, or willful or persistent conduct that is clearly inconsistent with the proper performance of his duties or casts public discredit upon the judiciary or administration of justice.
2. Section 33.001(b)(2) of the Texas Government Code provides that "willful or persistent conduct that is clearly inconsistent with the proper performance of a judge's duties includes ... willful violation of a provision of the Texas penal statutes or the Code of Judicial Conduct."
3. Section 33.001(b)(5) of the Texas Government Code provides that "willful or persistent conduct that is clearly inconsistent with the proper performance of a judge's duties includes ... failure to cooperate with the Commission."
4. Canon 2A of the Texas Code of Judicial Conduct states, in relevant part, that: "A judge shall comply with the law."
5. Canon 3B(2) of the Texas Code of Judicial Conduct states, in relevant part, that: "A judge shall maintain professional competence in [the law]."
6. Section 27.005 of the Texas Government Code provides that "incompetency" includes the failure of a justice of the peace to obtain his or her required judicial education.

CONCLUSION

The Commission concludes from the evidence presented that by repeatedly failing to timely and successfully complete his judicial education hours in his first term in office, Judge Terrazas demonstrated incompetence in performing the duties of office, failed to comply with the law, and failed to maintain professional competence in the law, in willful violation of Canons 2A and 3B(2) of the Texas Code of Judicial Conduct, and Article V, Section 1-a(6)A of the Texas Constitution.

In addition, the Commission concludes that by pleading guilty to the offense of Deadly Conduct, Judge Terrazas failed to comply with the law and engaged in conduct that was clearly inconsistent with the proper performance of his duties as well as conduct that cast public discredit upon the judiciary and administration of justice. Likewise, as a public official and member of the judiciary, Judge Terrazas knew, or should have known, that his arrests for public intoxication and for driving while intoxicated would severely compromise the public's confidence in the integrity and impartiality of the judiciary, especially given the judge's testimony that he does preside over alcohol-related offenses in his court, magistrates defendants charged with alcohol-related offenses, and would like to be seen as a role model to the youth in his community. The Commission concludes that Judge Terrazas' actions in this regard

constituted willful and persistent violations of Canon 2A and Article V, Section 1-a(6)A of the Texas Constitution.

Finally, the Commission concludes that Judge Terrazas failure to cooperate with the Commission's investigation into all of the above-described incidents constituted willful and persistent conduct that is clearly inconsistent with the proper performance of his duties and casts public discredit upon the judiciary and administration of justice, in violation of Article V, §1-a(6)A of the Texas Constitution.

In condemnation of the conduct that violates Canons 2A and 3B(2) of the Code of Judicial Conduct, and Article V, §1-a(6)A of the Texas Constitution recited above, it is the Commission's decision to issue a **PUBLIC REPRIMAND AND ORDER OF ADDITIONAL EDUCATION** to the Honorable Kristopher L. Terrazas, Justice of the Peace for Precinct 1, Place 1, in Pecos, Reeves County, Texas.

Pursuant to this Order, on or before **December 1, 2014**, Judge Terrazas must complete **thirty (30) hours** of judicial education and demonstrate that he is in compliance with his judicial education requirements for Fiscal Years 2013 and 2014. It is Judge Terrazas' responsibility to contact the Texas Justice Court Training Center, the Justice Court Judges Association, and/or any other entity that provides judicial education to justices of the peace, including a mentor judge approved by the Commission, to schedule and complete the additional education. The education hours may also be satisfied through the completion of webinars or other online education seminars made available from the Texas Justice Court Training Center or the State Bar of Texas.

Upon the completion of this training, Judge Terrazas is hereby directed to provide documentation from the entity or entities providing the judicial education certifying his completion of the additional education. In addition, Judge Terrazas shall sign and return the Respondent Judge Survey indicating compliance with this Order. These records shall be delivered to the Commission no later than **December 15, 2014**.

Failure to complete the required additional education in a timely manner may result in further Commission action.

Pursuant to the authority contained in Article V, §1-a(8) of the Texas Constitution, it is ordered that the actions described above be made the subject of a **PUBLIC REPRIMAND AND ORDER OF ADDITIONAL EDUCATION** by the Commission.

The Commission has taken this action in a continuing effort to protect public confidence in the judicial system and to assist the state's judiciary in its efforts to embody the principles and values set forth in the Texas Constitution and the Texas Code of Judicial Conduct.

Issued this the 21st day of August, 2014.

ORIGINAL SIGNED BY

Honorable Steven L. Seider, Chair
State Commission on Judicial Conduct